F.A.O.No.1188 of 2007(O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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Date of decision: 22.3.2007

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Hisar Medical Diagnostic Hospital.

.... Appellant

Versus

Oriental Insurance Company Limited & others.

.... Respondents

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CORAM: HON'BLE MR.JUSTICE PRITAM PAL.

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Present:- Mr. Vijay Dahiya, Advocate, for the appellant.

JUDGMENT

This appeal by appellant, Hisar Medical Diagnostic Hospital, is directed against order dated 16.10.2003, whereby in a claim case under the Workmen's Compensation Act 1923 (hereinafter referred to as 'the Act'), a total compensation of Rs.2,16,910/- (Rupees two lacs sixteen thousands nine hundred and ten) was awarded in favour of the respondents namely Smt.Kasturi Devi, mother and Shri Sardara, father, of Om Parkash, deceased.

Om Parkash, deceased was in the employment of the appellant and respondent No.2 (Dr. Sunil Kumar Kaushik), being the driver on the Ambulance bearing registration No. HR-20-C/0447. He died in the accident occurred on 13.7.1998, while driving the said vehicle. He was 35 years of age at the time of accident. The amount of compensation has been assessed and awarded in accordance with the schedule and formula given under the

Act. Even otherwise, a perusal of the impugned order shows that the findings given by the learned Commissioner are not perverse, or unreasonable. Even under Section 30 of the Act, the first appeal is not maintainable, unless some substantial question of law is shown to have arisen in the appeal for consideration by this Court. Hence, this appeal is hereby dismissed in *limine*.

Delay of 783 days in filing and 330 days in refilling the appeal has also occurred. But, in view of my aforesaid observations on merits of the appeal, the applications for condonation of aforesaid delay require no adjudication.

(Pritam Pal)
JUDGE

March 22, 2007.
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This appeal by the State of Punjab is directed against the judgment and decree dated _____ whereby a suit for recovery of Rs.281610/- on account of damages (1,39,000/- original amount) recovered from the respondent Sukhdev Singh that interest @12% per annum was decreed. Thereafter, appeal filed by the appellant was also dismissed vide judgment and decree dated _____. This is how, appellant has come up in this RSA feeling aggrieved the sole contention raised by the State of Punjab the rate of interest awarded by the courts below is on higher side. A perusal of the judgment dated _____passed by the courts below shows that initially a respondent Sukhdev Singh was involved in a false case registered vide FIR No.63, police station Civil Lines Amritsar under Section 457/380 of IPC. A false recovery was granted upon him of Rs._____ which infact is well proved on the file that the said amount infact was collected by the respondent Sukhdev Singh from his relation through cheques and ultimately that amount was falsely shown to have recovered from the police in the aforesaid case and ultimately he was collected by the Court of ld. C.J.M vide order dated 7.9.1993. Both the courts below have given concurrent findings that the aforesaid amount of Rs.3,81,000/- shown to have been falsely recovered from him. Further a cross perusal of the impugned judgment and decree shows that there is no perversity of any grant in the findings returned on the crucial issues involved in this case. Moreover, ld. Counsel for the State could not make in a case any substantial question of law for consideration by this Court.Hence, this appeal is dismissed in limine. Now, in this view of the matter, the application for condonation of delay of 214 days requires no adjudication.